

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

United States of America	)	CV 14-3120 RSWL (JEMx)
Plaintiff,	)	<b>ORDER Re: Motion for</b>
v.	)	<b>Default Judgment Against</b>
\$329,059.00 in United	)	<b>the Interests of Javier</b>
States Currency	)	<b>Hernandez, a.k.a.</b>
Defendant.	)	<b>Javiera-Hernandez-</b>
	)	<b>Carrillo, Amalia</b>
	)	<b>Hernandez, Almacenes</b>
	)	<b>Mochicahui, S.A. de</b>
	)	<b>D.V., and All Other</b>
	)	<b>Potential Claimants [9]</b>

Plaintiff United States of America ("Plaintiff") has filed a Motion for Default Judgment Against the Interests of Javier Hernandez, a.k.a. Javier Hernandez-Carrillo, Amalia Hernandez, Almacenes Mochicahui, S.A. de D.V., and All Other Potential Claimants [9]. The Court, having reviewed all papers submitted pertaining to this Motion and having considered all arguments presented to the Court, **NOW FINDS AND RULES AS FOLLOWS:**

Plaintiff's Motion for Default Judgment is hereby **GRANTED**. The Court finds that Plaintiff has satisfied all procedural requirements necessary under Local Rule

1 55-1 for entry of default judgment. First, default was  
2 entered by the Clerk of the Court against Javier  
3 Hernandez, Amalia Hernandez, Almacenes Mochicahui, S.A.  
4 de C.V., and all other potential claimants ("the  
5 potential claimants") on October 24, 2014 [8]. Second,  
6 default was entered to the Complaint filed in this  
7 proceeding. Third, as declared by Plaintiff "on  
8 information and belief," the potential claimants are  
9 neither infants nor incompetent persons. Rogers Decl.  
10 ¶ 13. Fourth, as declared by Plaintiff "on information  
11 and belief," the potential claimants do not serve in  
12 the U.S. military; thus, they are not exempt under the  
13 Servicemembers Civil Relief Act. Id. ¶ 14. Fifth, on  
14 the date of filing, Plaintiff declared that the  
15 potential claimants were served by U.S. Mail at their  
16 last known addresses. Id. ¶¶ 5, 8, 9.

17 Furthermore, the Court finds that the substantive  
18 factors set forth in Eitel v. McCool, 782 F.2d 1470  
19 (9th Cir. 1986) weigh in favor of granting default  
20 judgment, because: (a) there is a strong possibility of  
21 prejudice to Plaintiff the United States of America;  
22 (b) Plaintiff's case appears to be meritorious and  
23 sufficiently pleaded in the Complaint; (c) the  
24 seriousness of the crime of drug trafficking in which  
25 the currency was used merits default judgment; (d)  
26 there is a lack of dispute as to genuine fact; (e)  
27 there is a lack of apparent excusable neglect by  
28 interested parties in failing to claim currency or file

1 and opposition; (f) the policy reasons favor granting  
2 default judgment.

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4 **THEREFORE, IT IS ORDERED** that:

5 Default judgment shall be entered against the  
6 Interests of Javier Hernandez, a.k.a. Javier Hernandez-  
7 Carrillo, Amalia Hernandez, Almacenes Mochicahui, S.A.  
8 de D.V., and All Other Potential Claimants. As for the  
9 relief requested, the Court **GRANTS** Plaintiff's request  
10 pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) in the  
11 amount of \$329,059.00.

12 **IT IS SO ORDERED.**

13 DATED: February 3, 2015

RONALD S.W. LEW

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**HONORABLE RONALD S.W. LEW**  
Senior U.S. District Judge

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